§ 23.3 A Member may not rise to a question of personal privilege while another Member controls the time for debate even though the Member in control of the time may yield him time for debate on the merits of the proposition then pending.

On Apr. 8, 1937,(13) during House debate on House Resolution 162, concerning an investigation of sitdown strikes, the following proceedings transpired:

MR. [EDWARD E.] Cox [of Georgia]: . . . Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. (Frank E.) Hook].

MR. HOOK: Mr. Speaker, I rise to a question of personal privilege based on

the remarks of the last speaker, and ask for 1 hour.

Mr. Cox: Mr. Speaker, I did not yield to the gentleman for that purpose.

MR. HOOK: Then, Mr. Speaker, I ask unanimous consent that I be allowed to proceed for 5 minutes.

THE SPEAKER PRO TEMPORE: (14) Is there objection to the request of the gentleman from Michigan?

MR. [CHARLES A.] PLUMLEY [of Vermont]: Mr. Speaker, I object.

Mr. Hook: Mr. Speaker, I then insist upon my right to rise to a question of personal privilege. The gentleman threatened us.

THE SPEAKER PRO TEMPORE: The gentleman from Michigan cannot take the gentleman from Georgia off the floor by raising a question of personal privilege.

E. BASIS OF QUESTIONS OF PERSONAL PRIVILEGE

§ 24. Introductory; General Opinion or Criticism

Rule IX defines questions of personal privilege as those that affect the "rights, reputation, and conduct" of individual Members in their representative capacity. (15) To give rise to a question of per-

sonal privilege, a criticism must reflect directly on the Member's integrity or reputation. (16) Mere statements of opinion about or general criticism of his voting record or views do not constitute adequate grounds for a question of personal privilege. (17)

It is not in order by way of a point of personal privilege or by raising a question of the privilege

^{13.} 81 CONG. REC. 3295, 75th Cong. 1st

^{14.} Fred M. Vinson (Ky.).

^{15.} House Rules and Manual § 661 (1973).

^{16.} § 24.1, infra.

^{17. § 24.2,} infra.

of the House to collaterally attack an order previously adopted by the House. (18) Similarly, the refusal of Members in charge of time for general debate on a bill to allot time therefor to a Member give such does not Member grounds for a question of personal privilege. Thus, in one stance,(19) a Member claimed the floor for a question of personal privilege and proceeded to discuss the fact that the Member in charge of time for general debate on a bill had refused to assign him any time for that purpose. However, the Speaker (20) ruled that the Member's request for time could not be brought up by way of a question of personal privilege. Said the Speaker:

The rules provide that a Member may rise to a question of personal privilege where his rights, reputation, and conduct individually, in his representative capacity, is assailed or reflected upon. The Chair fails to see where the gentleman has presented a question of personal privilege which will bring himself within that rule. The rules provide for the conduct of the business of the House. . . .

. . . They provide the method of procedure. If this rule is adopted the gen-

tleman may, of course, appeal to those who have charge of the time for time, but there are 435 Members of the House, and the gentleman must appreciate, as the Chair does, that it is impossible for those gentlemen to yield to everyone. However, the Chair is very sure that opportunity will be afforded the gentleman sometime during the discussion of the bill to express his views.

The Chair fails to see where the gentleman has been denied any right that has not been denied to every Member of this House. The gentleman has his right of appeal to get time, as the Chair stated, if this rule is adopted. If the rule is not adopted and the bill is taken up, then the gentleman may proceed under the rules of the House. The Chair fails to see where the gentleman has raised a question of personal privilege.

Criticism of Member's Legislative Activity or Position

§ 24.1 Ordinarily, a Member may not rise to a question of personal privilege merely because there has been some criticism of his legislative activity. A question of personal privilege ordinarily involves a reflection on a Member's integrity or reputation. Thus, it was ruled that a Member could not rise to a question of personal privilege where he had been criticized merely for certain questionnaires he had distributed.

^{18.} 114 Cong. Rec. 30214, 30215, 90th Cong. 2d Sess. See § 3.2, supra, for a detailed discussion of this precedent.

^{19.} 79 CONG. REC. 5454, 5455, 74th Cong. 1st Sess., Apr. 11, 1935.

^{20.} Joseph W. Byrns (Tenn.).

On June 18, 1936,(1) Mr. Kent E. Keller, of Illinois, offered as a matter involving a question of the privilege of the House a resolution deploring the allegedly unauthorized action taken by Mr. Thomas L. Blanton, of Texas, whereby he addressed questionnaires to school teachers in the District of Columbia requesting their opinions on communism. A point of order was raised by Mr. Claude A. Fuller, of Arkansas, asserting that the offered resolution did not involve a question of the privilege of the House. When the Chair sustained the point of order, Mr. Blanton sought to address the House on the ground that the resolution gave rise to a point of personal privilege:

MR. BLANTON: Mr. Speaker, since this ridiculous resolution has been read into the Record and will go in the press, and every fair-minded man in the House knows that votes for it here would be negligible and it could not be passed, I think it is only fair that the House should give me 5 minutes, and I ask unanimous consent to proceed for 5 minutes.

THE SPEAKER: Is there objection?
Mr. [Martin J.] Kennedy of New York: I object.

MR. BLANTON: Mr. Speaker, of course, one objection can prevent it, so I rise to a question of personal privilege.

THE SPEAKER: (2) The gentleman will state it.

Mr. Blanton: I submit the last four clauses of the resolution just read, which was filed here by the gentleman from Illinois [Mr. Keller], without any notice whatever to me, at a time when I was in a Senate conference, working for this House, and did get an agreement with the Senate conferees on an important appropriation bill, will be used by "red" newspapers as a reflection upon me, although, as a matter of fact, it cannot hurt me or my good name in any way. I had no notice that this resolution was to be offered, and I was called out of that conference with Senate managers after the resolution had been sent to the Clerk's desk for consideration. While under a strict interpretation of the rules I realize full well that because the resolution does not reflect upon me, and will not hurt me, it does not constitute privilege, but I feel that I should raise the question to show what a great injustice was done me by it being presented. I submit that, as a matter of personal privilege, I should have a right to be heard.

THE SPEAKER: The Chair stated that in his opinion the subject matter stated in the resolution was not of such nature as reflected upon the gentleman from Texas.

The Chair is of the opinion that the matter stated by the gentleman from Texas does not constitute a question of personal privilege.

§ 24.2 The mere statement of opinion by a group of news-

2. William B. Bankhead (Ala.).

 ⁸⁰ Cong. Rec. 9947, 9948, 74th Cong. 2d Sess. See also 86 Cong. Rec. 11046-49, 11150-58, 76th Cong. 3d Sess., Aug. 27, 1940; and 79 Cong. Rec. 494, 495, 74th Cong. 1st Sess., Jan. 16, 1935.

paper correspondents with reference to a Member's record or position in the House does not present a question of personal privilege.

On Mar. 27, 1939,⁽³⁾ Mr. Clare E. Hoffman, of Michigan, rising to a question of personal privilege, called the attention of the House to a magazine article in which it was stated that a poll of newsmen revealed their opinion that Mr. Hoffman was among the least useful Members of the House. In ruling on the question of personal privilege, the Speaker ⁽⁴⁾ made the following statement:

The gentleman from Michigan rises to A question of personal privilege, which question is based upon the language he has just read from a paper he held in his hand. It seems that the gravamen of the matter relates to a newspaper poll that was purported to have been made with reference to the usefulness, standing, and so forth, of Members of the House of Representatives.

Of course, there are sometimes border-line cases in which it is rather difficult for the Chair to reach, for himself, a definite conclusion on the question of personal privilege, but the Chair thinks the rule should again be stated because this question is frequently stated.

Rule IX provides:

QUESTIONS OF PRIVILEGE

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members, individually, in their representative capacity only; and shall have precedence of all other questions except motions to adjourn.

The gentleman from Michigan takes the position that this newspaper criticism, if the Chair may call it that, states a question of personal privilege. While the Chair is inclined to give the greatest elasticity and liberality to questions of personal privilege when raised, the Chair is of the opinion that in this particular instance the mere statement of opinion by a group of newspaper correspondents with reference to a Member's record or position in the House of Representatives does not present in fact, or under the rules of the House, a matter of personal privilege.

Therefore, the Chair is constrained to rule that the gentleman has not presented a question of personal privilege.

§ 24.3 A newspaper statement asserting that all House Members from a specific delegation support a certain bill was held not to give rise to a question of personal privilege to a Member of such delegation opposed to the bill.

On Mar. 31, 1938,⁽⁵⁾ Mr. Michael J. Stack, of Pennsylvania,

^{3.} 84 CONG. REC. 3361, 3362, 76th Cong. 1st Sess.

^{4.} William B. Bankhead (Ala.).

^{5.} 83 CONG. REC. 4473, 75th Cong. 3d Sess.

rising to a question of personal privilege, read a newspaper statement which asserted that it was understood that all members of the Philadelphia delegation favored an effective reorganization bill. In fact, the Member was uncommitted regarding such a bill. At the conclusion of the Member's statement of the question, the Speaker (6) said:

The gentleman has very cleverly gained recognition to make a statement stating his attitude on the bill which is to come before the House, but the Chair is of the opinion the gentleman does not state a matter of personal privilege.

§ 24.4 A newspaper article alleging that a minority report filed by a Member had been written by employees of a political party was held not to involve a question of personal privilege.

On Mar. 30, 1939,⁽⁷⁾ Mr. Wallace E. Pierce, of New York, submitted as a question of personal privilege a statement from a newspaper article alleging that a minority report which Mr. Pierce had filed as a member of the Committee on the Judiciary had been written by several employees of the Republican National Com-

mittee. In his decision on the question, the Speaker (8) stated:

. . . The Chair, of course, can well understand the indignation of any Member of the House at a newspaper article that appears to be absolutely unfair or critical of his conduct as a Member of the House, but on this question of personal privilege the Chair is of course compelled to follow the precedents of the House, very few of which were established by the present occupant of the Chair.

The Chair has read the newspaper article which the gentleman from New York has read, to see if under the precedents and under the philosophy of the rule, the gentleman would be entitled to present this matter as a question of personal privilege. The Chair, within the past few days, has upon several occasions read into the Record the rule affecting this question of personal privilege. There are several precedents upon this particular question of newspaper criticism. One of them is found in section 2712 of Hinds' Precedents, volume 3:

A newspaper article in the nature of criticism of a Member's acts in the House does not present a question of personal privilege.

That is the syllabus of the decision.

Another decision holds that a newspaper article criticizing Members generally involves no question of privilege.

Having recourse again to the precedents the Chair finds the following: "The fact that a Member is misrepresented in his acts or speech does not constitute a matter of personal privi-

^{6.} William B. Bankhead (Ala.).

 ⁸⁴ CONG. REC. 3552–54, 76th Cong. 1st Sess.

^{8.} William B. Bankhead (Ala.).

lege, nor does misrepresenting a Member's vote."

The Chair personally would be delighted to have the gentleman from New York given the opportunity to address himself to the membership of the House on the question presented by him. The Chair, however, is constrained to rule in this instance as well as all others according to the precedents of the House and therefore rules that the matter complained of does not, in the opinion of the Chair, constitute a matter of personal privilege.

§ 24.5 A newspaper article asserting that a Congressman's staff greeted a labor union delegation with copies of a pamphlet critical of the union and questioning the use of a Congressman's office as a distribution center for such material was held not to give rise to a question of personal privilege.

On Mar. 23, 1945,⁽⁹⁾ Mr. Clare E. Hoffman, of Michigan, presented as involving a question of personal privilege a newspaper article asserting that his office staff had greeted a CIO delegation with copies of "Join the CIO and help build a Soviet America," and questioning the use of a Congressman's office as a distribution center for such material. After the Member's presentation of the ob-

jectionable article the Speaker (10) in his ruling on the question stated:

What the gentleman has read so far is hardly sufficient to entitle the gentleman to recognition on a question of personal privilege.

§ 24.6 Language in a newspaper stating that a Member was "very generous with government money," and that he had introduced bills which would cost the government \$125 billion, was held not to give rise to a question of personal privilege.

On Jan. 30, 1950,(11) Mr. John E. Rankin, of Mississippi, submitted as involving the question of personal privilege a newspaper article which stated in part that "Representative Rankin is very generous—with Government money," and declaring that he had introduced bills which would cost the government \$125 billion. The Speaker (12) ruled that the remarks referred to did not involve a question of personal privilege. However, the Member was granted recognition for one minute to answer the allegations.

^{9.} 91 CONG. REC. 2665, 79th Cong. 1st Sess.

^{10.} Sam Rayburn (Tex.).

^{11.} 96 CONG. REC. 1093, 81st Cong. 2d Sess.

^{12.} Sam Rayburn (Tex.).